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ABSTRACT

A study was undertaken to identify and analyze dysfunctional elements in the administration of ESEA Title I, and to determine the impact of these elements on administrative behavior and program effectiveness at the local educational level. A model of administrative behavior and hypotheses was developed, and the literature reviewed for discrepancy analysis. Unpublished Office of Education studies were also reviewed, experts interviewed, and observations made. ESEA Title I rules and regulations must be radically changed. The study has already received the attention of those who formulate Title I policy, both within the Executive Branch and in the Congress. (Author)

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DYSFUNCTIONAL ELEMENTS IN THE ESEA TITLE I STRUCTURE

presented by

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This paper includes a review of the overall purpose of the study conducted for the Institute for Educational Leadership, 1976. The general approach and the limitations of the study are noted. Then we summarize some of the major findings of the study with policy recommendations.

Purpose of the Study

As a result of the Education Amendments of 1974, USOE and NIE have funded approximately $50 million of studies which focus upon various aspects of compensatory education. Most of these studies are Congressionally-mandated and are different from those conducted in the past in terms of specificity, content, and tone. For example, in the $15 million of "comp-ed studies" assigned to NIE, Congress specifies the areas of investigation to be addressed and mandates that the findings be submitted directly to Congress. The majority of these studies and evaluations are addressing questions regarding the education impact of ESEA Title I (e.g., "Sustaining Effects Study" being conducted by Systems Development Corporation). A number of projects sponsored by NIE are examining the feasibility of many of the alternatives which were debated during the Congressional hearings prior to the passage of the Education Amendments of 1974 (i.e., the Quie Amendment). Only a very limited number of on-going studies, however, are assessing the impact on administrative behavior at the various governmental levels responsible for the implementation of ESEA Title I. This particular study attempts to do so and thereby provides some basis for revision of ESEA Title I in 1977-78, should that be considered desirable.

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The purpose of this limited study was to identify the existence of dysfunctional elements in the inter-governmental structure responsible for the implementation of ESEA Title I programs. The extent of these dysfunctional elements and disincentives inherent in the structure, such as USOE Rules and Regulations and administrative practices, initially was limited to a determination of the administrative burdens created at the various levels. However, in the process of conducting this study it became evident that it would be helpful to attempt to determine the impact on program effectiveness at the local level as well, for a number of reasons.

First, while it is useful to identify unfair administrative burdens created by certain provisions of the Rules and Regulations, Federal officials could legitimately ask, "So what. We know, for example, that the 1% allocation to SEAs for administrative purposes is inequitable for SEAs with a large number of Title I applicants relative to those with a lesser number of applicants but a similar total allocation; but does this inequity have a direct effect on program effectiveness at the district level?" This study explores these types of questions.

Second, within the last year a relatively large number of studies of Title I effectiveness have identified a number of implementation variables that are highly associated with successful comp-ed programs. These studies include those conducted by the Rand Corporation, Education TURNKEY Systems, and Education Testing Service as well as a number of others. As a result, one can describe these characteristics; and, then, based on observation and discussion with SEA and LEA officials, one can develop rather strong hypotheses regarding the existence or emergence of these characteristics in light of dysfunctional elements and subsequent administrative behavior. This relationship is also addressed in this study.

Approach Taken

As the purpose of the study was widened in terms of scope and focus, the approach also was modified. Moreover, as the tasks were completed, the findings at specific stages served to crystalize the study design and affect the nature of subsequent taks.

First, the rather meager stockpile of literature focusing upon the administration of ESEA Title I was reviewed. Summarized in the Report, many of these studies have not been published officially or are presently on-going; due to the sensitive nature of the studies, some are not available to researchers generally. Some of these studies focused or are focusing upon the dysfunctional elements in the Rules and Regulations or administrative behavior, particularly at the USOE and SEA levels. Few, if any, studies provide insights into the administrative impact on the LEA level or address the question of intra-governmental practices at the state level including SEA-state legislature relationships. Obtaining information in these areas was a particularly sensitive task.

Second, based upon a review of the literature and discussions with knowledgeable individuals, a number of working hypotheses and study questions were formulated within a general model of administrative behavior in the intra-governmental structure responsible for Title I. These models of administrative behavior are discussed in the full report.

Third, the data collection phase was both iterative and concurrent (e.g., based on a review of the literature and the deficiencies noted above, additional data collection tasks were added). Following survey questionnaires, personal contacts with some of the above individuals and additional officials were made through either telephone follow-up or through individual or collective meetings. For example, the types of collective meetings included: a) executive

committee meeting of the NAAF/SEP Regional Vice Presidents in Washington, D.C.; b) group meetings with compensatory education program directors from Michigan and California during Washington visits; c) small group meetings with key state legislators during secheduled conferences in Washington of the National Council of State Legislatures (NCSL); and d) SEA Title I office staff meetings.

Due to the dearth of information regarding impact as perceived by state legislators, a questionnaire sent to over 200 individual legislators by the NCSL was reviewed by the author,who added several items relevant to this study. In addition, key and knowledgeable state legislators serving on the NCSL Education Committee were interviewed personally during scheduled Washington meetings. Where open-ended responses to the questionnaire sent to state legislators sounded "interesting," follow-up contacts were made by telephone in order that a complete understanding of the response concern or issue could be determined and documented.

Even though the primary focus of data collection, particularly interviews, was at the state and local level as described above, several key officials within the executive branch at USOE and NIE as well as Congress were interviewed. In every instance individuals with different vantage points were interviewed in an attempt to have issues aired by persons with various perspectives. Similarly, in discussions with Congressional committee staff an attempt was made to elicit responses from members of both parties.

And last, the author had an opportunity to observe and analyze the planning and operation of ESEA Title I programs in over 100 districts in 8 states over the last 2 years. During on-site visits, discussions with key LEA Title I staff provided many insights into the problems association with the administration of ESEA Title I.

In all instances the respondents' viewpoints either through questionnaires or through personal interviews were kept confidential. Only in those instances where a respondent agreed to be quoted by name were such quotations attributed directly to the source.

The analysis was conducted at the end of Summer of 1976.

Limitations

In addition to the major constraint (a budget allocation of $5,000 and less than 50 person-days' effort), there are several other limitations of which the reader should be aware in interpreting these findings and their generalizability. It should be noted that the purpose of this study was not to be exhaustive and comprehensive but rather exploratory in nature, relying heavily upon "relatively soft" data.

First, the sample size of respondents was limited to less than ten individuals since OMB clearance would have been required if additional individuals within categories were surveyed and were sent the same instruments. Such a small sample precluded any statistical analysis.

Second, in certain instances the sample from which responses were solicited was drawn for other purposes. For example, certain items were included in the instrument developed and sent by the NCSL whose interest was gaining responses to general compensatory education questions. Hence, many of the respondents were not that familiar with the nature of the specific questions included for this study. However, it was felt that this method of collecting data from a large number of state legislators would be much more fruitful than collecting only relevant information from a much smaller group. The sampling information did allow for some stratification in the analysis.

And last, the study was conducted during a period of transition in the administration of ESEA Title I due to the on-going implementation of portions

of the Education Amendments of 1974 which affect Title I. While the ESEA Title I Rules and Regulations are still in draft form, respondents in many instances provided information based upon their recollection of the administration of ESEA Title I prior to the Amendments while others couched their comments in terms of their interpretation of existing draft Rules and Regulations. It should be noted that these interpretations vary from state to state and from district to district.

Summary: Findings & Recommendations

The purpose of this study was to identify and analyze the impact of dysfunctional elements in the Title I intergovernmental structure upon administrative behavior and program effectiveness. Review of the limited research and literature provided a conceptual framework and working models used in designing the data collection process, which admittedly was relatively unstructured and less than scientifically rigorous. Discussions with knowledgeable officials, including state legislators, provided useful insights into their perceptions of the problems, issues and potential solutions re the governance of Title I. Observations of Title I programs and further discussions with LEA staff, in many cases, confirmed the existence of these widely-held perceptions. Given the limitations of this small scale study, the following findings are summarized with suggestions and recommendations for improvement.

A. A "compliance orientation" pervades the LEA/SEA decision-making process and affects administrative behavior to such an extent that unintended effects arise. Since less than 1 percent of funds which are allegedly misused are returned, it is indeed ironical that the credibility (and often fear) of the auditor, willfully wooed at the federal level, is a concern which so many LEAs and SEAs keep uppermost in their minds as they design and

implement Title I programs at the local level. Furthermore, due to the informal, negotiated process by which "remedy decrees" have traditionally been formulated and the lack of specificity in USOE guidelines regarding what is and what is not allowable, the SEAs and LEAs perceptions of what is illegal are often more exaggerated than real--an observation shared by others in the field of research. In addition, the differences in interpretations and in perceptions of HEW auditors and USOE program staff tend to further perpetuate this emphasis on audit versus program reviews, often at the expense of program stability and effectiveness. As a result, SEAs and LEAs often have to decide which "master to serve". In the face of this uncertainty, risk aversion is the rule, rather than the exception. Unfortunately,potential loss of Federal support often receives more attention than the needs of Title I children.

A number of suggestions, some of which have been recommended in the past, would go a long way toward alleviating many of the problems, perceived and real, noted above.

(1) The Title I Rules and Regulations need to be clarified and simplified,not only in areas which are prescriptive (i.e., what to do) but also, most critically, in areas which are proscriptive (i.e., what is not allowable).

(2) A set of audit procedures and guidelines to be followed by both HEW auditors and USOE program staff should be developed jointly and used uniformly by both groups on SEA and LEA site visits. As the recent USOE report cited earlier recommended: "Title I should seek an early opportunity to develop for, and in some measure with, the Audit Agency the operational definitions of (a) comparability; (b) supplanting; (c) general aid; (d) target areas, and (e) ineligible children which would assist substantially in avoiding audit exceptions at the SEA and LEA levels." In addition, these guidelines and recent "findings" during administrative hearings related to audit exceptions should be disseminated widely to SEAs and LEAs.

(3) The existing informal "negotiated process" for settling audit exceptions should be formalized, using to the greatest extent possible the administrative machinery established in PL 93-380 Title V. Less than ten such hearings have been conducted in the last year---and in few instances was legal councel present for either party. Precedents compiled from these hearings should be made available to the public and disseminated to SEAs, particularly where they are generally applicable. We appreciate the argument that the negotiated process "allows reasonable and honorable men" - the USOE Commissioner and SEA Chief - the flexibility to treat SEAs differentally in light of their general program performance when audit exceptions are alleged. Yet, when a "nation of law" has to revert to such an alternative one has to seriously question the nature of the law itself.

B. Existing legislation and Rules and Regulations have resulted in a number of inequities for LEAs and SEAs in unique situations. For example, the existing formula for allocating funds to SEAs for administrative purposes is inequitable and creates undue burdens on SEAs with relatively large numbers of LEA applicants proportional to the total state allocation. In these situations, the SEAs' capacities to meet legislated requirements of SEAs is strained, resulting often in inadequate SEA services in several areas. Also, in situations where state-appropriated compensatory education programs exist or where LEAs provide compensatory education programs through local budgets, Federal provisions related to supplanting, comparability, and target and student selection, foster unequal treatment, if these provisions are adhered to strictly. Last, for LEAs with district-wide organizational structures which differ significantly from traditional practices, additional inequities exist. For example, where the enrollments of elementary schools (both Title I and non-Title I) vary considerably, adherence to comparability ratios seriously affects the programs which are designed to serve target

students. It is encouraging to note that the present draft of the new ESEA Title I regulations is a step forward in this area in providing alternative means for computing comparability ratios in certain instances.

The following recommendations, if implemented, could remedy many of these inequities.

(1) The formula for allocating funds for SEA administrative purposes should be based upon the number of LEA applicants in the state, taking into account the size of the LEA-applicant/program based upon an empirically-based determination of SEA staff time necessary to meet minimal requirements per category. While some feel this might "telegraph" incentives thwarting consolidation, the advantages appear to outweigh the disadvantages.

(2) The Rules and Regulations should specify general situations in which a conditional waiver of specific provisions, such as comparability, supplanting, etc., could be made without having to seek approval of the USOE Commissioner (e.g., where a legislature has mandated individualized programs for all children, a waiver would be conditional upon the LEA's demonstration that Title I children attained a percentage of their objectives). As Congressional Budget Office Director, Dr. Alice Rivlin recommended as a model several years ago: "[The Federal government should]...reward those who produce more efficiently. Free to vary the way they spend the money as long as they accomplish specified results, recipients of federal grants could be rewarded for producing beyond expectations. This procedure would liberate them from the straitjacket of input controls and promote vigorous and imaginative attempts to improve results."

C. Many of the complaints of SEAs and LEAs - that existing Title I Rules and Regulations cause undue burdens of an administrative nature - are justified. Even with "forward funding," "carryover," and/or "advance funding," late funding and funding uncertainty remain an administrative problem of major proportions imposed on SEAs and LEAs. The impact is felt in areas ranging from the hiring of personnel to the need for continual modification and updating of Title I programs. Another area in which SEAs and LEAs feel an unjustified burden is Title I reporting. This concern has certainly heightened as a re-

sult of the 26 May 1976 proposed Rules and Regulations on Uniform Reporting for all USOE programs. Aside from legal arguments (e.g., delegation of authority to USOE contractors), the excessive administrative requirements at both LEA and SEA levels require serious reconsideration by USOE.

When and if published, the Rules and Regulations should take into account SEA-LEA comments on the 26 May 1976 proposed Rules. A finding from discussions with state legislators seems to indicate that some state houses are beginning to demand from SEAs evaluations and reports on Title I. As this trend increases Congress should reconsider where the primary stewardship for monitoring evaluation activities should lie.

(1) It is strongly suggested that in order to reduce late funding and funding uncertaintly, Congress should seriously consider a multi-year appropriation for ESEA Title I.

(2) While USOE requirements for uniform reporting and evaluation in ESEA Title I will probably evolve over time to the bare minimum needed to satisfy Congressional intent, the USOE and Congress should seriously consider the participation of state legislatures in the governance process for ESEA Title I reporting and evaluation conducted by SEAs. At a minimum, state legislative review and perhaps approval of such plans should be entertained. State legislative involvement in the history of ESEA Title I is not new since the California Legislature's control of Title I in the late 60's.

D. The Title I Rules and Regulations and administrative practices of SEAs and USOE and the perceptions and interpretations by LEAs tend to preclude, in many cases, the emergence or existence of characteristics and implementation variables which have been identified with successful Title I programs. As noted above, while LEAs' perceptions of legal bounds may be more restrictive than allowable, specific provisions often gravitate against the implementation of effective ESEA Title I programs.

(1) Numerous studies indicate the importance of <u>participatory planning</u> and <u>teacher training</u> as part of the implementation of a new program. While planning and compensatory education-related teacher training are now allowable

costs under the March, 1975 draft Regulations, funding must come from the existing overall allocation to the LEA, which in real dollars has been reduced considerably in many instances. In addition, late funding and funding uncertainty often precludes involvement of staff in planning and the training of teachers in specific instructional systems.

(2) Coordination between the Title I staff and the principal, as well as coordination between the Title I teacher and the regular teacher, is a critical variable associated with successful programs and has been recognized in the Rules and Regulations as a key consideration in designing Title I programs. However, due to supplanting provisions and, to some extent, comparability provisions, and the perceptions and interpretations of these provisions by SEAs and LEAs, Title I programs, for the most part, are conducted separately either in a lab situation or even in a facility separate from regular programs of math and reading. Coordination under these conditions is extremely difficult, and the lack of it often results in dysfunctional instructional programs with internal conflicts in terms of classroom organization, degree of individualization, and methodology.

(3) Delegation of decision-making to the lowest operating levels and building autonomy has been associated with high achievement in numerous studies. However, due to comparability concerns, many decisions regarding budget, program design features, and types of resources to be allocated in the Title I schools are often made in the central administration LEA office, leaving little decision-making flexibility to the principal and in turn to the Title I/regular teachers.

(4) While a number of NIE and USOE studies are addressing the relationship between individualized instruction and student performance, a number of recent studies indicate a strong correlation between the two in Title I and other compensatory education programs. The evidence is not as supportive in regular math programs (see project LONGSTEP) as it is in reading. However, a number of studies of exemplary programs indicate that the use of performance objectives, a wide variety of materials, diagnostic and prescriptive techniques, and other "individualized" dimensions are associated with positive student performance. Indeed, the Rules and Regulations encourage individual plans of instruction for each child, reflecting the intent if not the letter of the law. However, in a number of LEAs, especially those with local mandates or SEA mandate for individualization, not only are the Title I programs of

a pull-out configuration, but also the instructional methodology differs significantly, usually being less individualized than the regular program. Also, the fact that in many instances specific materials can be used only for Title I students reduces the availability of materials, even though a variety exists within a school. In other instances, the Title I program is highly individualized while the regular program is very traditional, a situation which is found in districts where a move back to "the fundamentals" prevails.

5. A number of studies have found positive correlations between parent "involvement" and cognitive development at the pre-school level, and others "strongly suggest" a similar relationship at the early elementary levels. Yet while Congressional intent clearly supports parent involvement through PACs at the building and district level as a desirable end in itself, SEA/LEA interpretations of the Regulations and guidelines vary considerably. Role definitions are sorely lacking; guidance to SEAs is vitually non-existant; and according to some LEA officials, the "law" is more specific than the Regulations. At the same time, according to the recent Gallop Poll of Education, there appears to be a growing interest among parents to be involved in school matters.

Pending the results of several on-going studies, specific recommendations, here, are limited to further clarification and more precise definitions in the Regulations re Title I. Yet, the increasing interest on the part of Congress and parents in greater "parental involvement" surfaces immediate implications, particularly for SEAs and LEAs. To take advantage of the opportunities offered by these trends, LEAs should initiate "parent education" programs. Principals should be trained to bridge the gap between the professional teacher and the lay parent so that the child benefits. Parents should be given the opportunity to influence the decision-making process more directly.

That such initiatives can be legislated at the Federal level is somewhat akin to legislating morality, a question of values. Perhaps such policies are best formulated at the state level.

To the extent that the Rules and Regulations and their interpretation by SEAs preclude and/or reduce the possible emergence of characteristics associated with successful programs, a number of changes would appear to be in order. Specific suggestions for improvement of Title I programs at the LEA level are:

first, reduce the number of comparability ratios to per pupil allocations of resources, thereby increasing decision-making flexibility at the program level and resulting in program designs based upon the building-level staffs' perceptions of what is needed to improve performance of Title I students; second, delegate authority to waive supplanting provisions to the SEA level. The SEA also, should review requests for such waivers by LEAs in light of the LEA's willingness to insure that student objectives are obtained. Subsequent waivers by SEAs would be based upon the degree to which the LEA accomplishes its stated Title I student objectives. Congressional appropriations should also be increased for planning and teacher training for subsequent years' programs out of the previous year's budget.

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